

**State of California
Office of Administrative Law**

In re:
Department of Fair Employment and Housing

Regulatory Action:

Title 02, California Code of Regulations

Adopt sections: 12040, 12041, 12042,
12050, 12051, 12052,
12140, 12141, 12142,
12143, 12181

Amend sections: 12005, 12120, 12155,
12176, 12177, 12178,
12179, 12180

Repeal sections:

**NOTICE OF APPROVAL OF REGULATORY
ACTION**

Government Code Section 11349.3

OAL Matter Number: 2021-1007-01

OAL Matter Type: Regular (S)

The Fair Employment and Housing Council of the Department of Fair Employment and Housing (DFEH) is adding military or veteran status as a protected class and the prohibition on discrimination based on aggregate income and the use of a government rent subsidy. This action provides information about reasonable modifications for individuals with disabilities. DFEH is also adding multiple definitions. DFEH makes other changes in this action related to housing discrimination.

OAL approves this regulatory action pursuant to section 11349.3 of the Government Code. This regulatory action becomes effective on 1/1/2022.

Date: November 19, 2021



**Peggy J. Gibson
Senior Attorney**

**For: Kenneth J. Pogue
Director**

**Original: Kevin Kish, Director
Copy: Adam Romero**

NOTICE PUBLICATION/REGULATORY ACTION SUBMISSION

STD. 400 (REV. 10/2019)

REGULAR

For use by Secretary of State only

OAL FILE NUMBERS	NOTICE FILE NUMBER Z- 2020-0723-01	REGULATORY ACTION NUMBER 2021-1007-01S	EMERGENCY NUMBER
For use by Office of Administrative Law (OAL) only			
NOTICE		REGULATIONS	

OFFICE OF ADMIN. LAW
2021 OCT 7 PM 12:33**ENDORSED - FILED**In the office of the Secretary of State
of the State of California**NOV 19 2021****1:08 PM**

AGENCY WITH RULEMAKING AUTHORITY

Fair Employment and Housing Council of the Department of Fair Employment and Housing

AGENCY FILE NUMBER (If any)

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE		TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other		4. AGENCY CONTACT PERSON	TELEPHONE NUMBER	FAX NUMBER (Optional)
OAL USE ONLY	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		NOTICE REGISTER NUMBER	PUBLICATION DATE

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Fair Housing Regulations		1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S) 2010-0002-04 OR <i>per agency regulation 11/5/21</i>	
2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)			
SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)		ADOPT 12040; 12041; 12042; 12050; 12051; 12052; 12140; 12141; 12142; 12143; 12181	
TITLE(S)		AMEND 12005; 12120; 12155; 12176; 12177; 12178; 12179; 12180	
3. TYPE OF FILING		REPEAL	
<input checked="" type="checkbox"/> Regular Rulemaking (Gov. Code §11346) <input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4) <input type="checkbox"/> Emergency (Gov. Code, §11346.1(b)) <i>per agency 11/5/21</i> <input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute. <input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h)) <input type="checkbox"/> File & Print <input type="checkbox"/> Other (Specify) _____ <input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100) <input type="checkbox"/> Print Only			
4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1) August 7, 2020 - September 25, 2020 ; December 4, 2020 - December 19, 2020; March 22, 2021 - April 7, 2021; June 7, 2021 - June 22, 2021			
5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100) <input checked="" type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a)) <input type="checkbox"/> Effective on filing with Secretary of State <input type="checkbox"/> \$100 Changes Without Regulatory Effect <input type="checkbox"/> Effective other (Specify) _____			
6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY <input type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660) <input type="checkbox"/> Fair Political Practices Commission <input type="checkbox"/> State Fire Marshal <input type="checkbox"/> Other (Specify) _____			
7. CONTACT PERSON Adam Romero		TELEPHONE NUMBER 916-207-2662	FAX NUMBER (Optional) E-MAIL ADDRESS (Optional) adam.romero@dfeh.ca.gov

8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE

DATE

09/29/2021

TYPED NAME AND TITLE OF SIGNATORY

Kevin Kish, Director

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ENDORSED APPROVED**NOV 19 2021**

Office of Administrative Law